

PATENT AF  
2812



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hao Fang et al.  
Serial No.: 09/941,370 Art Unit: 2812  
Filed: August 28, 2001 Examiner: Richard A. Booth  
For: FLASH MEMORY DEVICE AND A METHOD OF FABRICATION THEREOF

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF  
(PATENT APPLICATION - 37 CFR 1.192)**

1. Transmitted herewith in triplicate is the SUPPLEMENTAL APPEAL BRIEF in this application with respect to the Notice of Appeal filed on May 23, 2003 and the Appeal Brief filed on July 22, 2003.

NOTE: "The appellant shall, within 2 months from the date of the notice of appeal under § 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a brief in triplicate." 37 CFR 1.192(a) (emphasis added).

2. STATUS OF APPLICANT

This application is on behalf of

- ☒ other than a small entity  
☐ small entity  
verified statement:  
☐ attached  
☐ already filed

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

- |   |          |
|---|----------|
| <input type="checkbox"/> small entity                         | \$160.00 |
| <input checked="" type="checkbox"/> other than a small entity | \$320.00 |

Appeal Brief fee due \$0

RECEIVED  
JAN 22 2004  
TECHNOLOGY CENTER 2800

**CERTIFICATE OF MAILING (37 CFR § 1.8)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 1/13/04  
Serena Beller  
(Type or print name of person mailing paper)

**BEST AVAILABLE COPY**

Serena Beller  
(Signature of person mailing paper)

**4. EXTENSION OF TERM**

*NOTE: The time periods set forth in 37 CFR 1.192(a) are subject to the provision of § 1.136 for patent applications. 37 CFR 1.191(d). Also see Notice of November 5, 1985 (1060 O.G. 27).*

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

*(complete (a) or (b) as applicable)*

- (a) ☐ Applicants petition for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00
Fee		

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☒ Applicants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

**5. TOTAL FEE DUE**

The total fee due is:

Appeal Brief fee \$0

Extension fee (if any) \$0

**TOTAL FEE DUE \$0**

**6. FEE PAYMENT**

- ☐ Attached is a check in the sum of \$ \_\_\_\_\_
- ☐ Charge Account No. 01-0365 (DA01036/1363D) the sum of \$0.

A duplicate of this transmittal is attached.

**BEST AVAILABLE COPY**

## 7. FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

- ☒ If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 01-0365 (DA01036/1363D).

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 01-0365 (DA01036/1363D).

Reg. No.: 47,159

  
SIGNATURE OF ATTORNEY

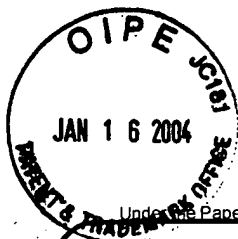
Tel. No.: (512) 370-2832

Robert A. Voigt, Jr.  
WINSTEAD SECHREST & MINICK P.C.  
P.O. Box 50784  
Dallas, Texas 75201

AUSTIN\_1\223562\2  
184-P063D1

RECEIVED  
JAN 22 2004  
TECHNOLOGY CENTER 2800

BEST AVAILABLE COPY



41

AF / 2812

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/941,370	
	Filing Date	August 28, 2001	
	First Named Inventor	Hao Fang et al.	
	Art Unit	2812	
	Examiner Name	Richard A. Booth	
Total Number of Pages in This Submission	19	Attorney Docket Number	DA01036/1363D

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Request for Reinstatement of Appeal Under 37 C.F.R. 1.193(b)(2)(ii); Supplemental Appeal Brief (copy)	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Winstead Seigrest & Minick P.C. Robert A. Voigt, Jr. Reg. No. 47,169
Signature	
Date	January 13, 2004

RECEIVED  
JAN 22 2004  
TECHNOLOGY CENTER 2300

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Serena Beller
Signature	
Date	January 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**BEST AVAILABLE COPY**